

1 SCOTT N. SCHOOLS (SCSBN 9990)
2 United States Attorney

3 BRIAN J. STRETCH (CASBN 163973)
4 Chief, Criminal Division

5 BENJAMIN T. KENNEDY (CASBN 241350)
6 Assistant United States Attorney

7 150 Almaden Boulevard
8 San Jose, California 95113
9 Telephone: (408) 535-5059
10 Facsimile: (408) 535-5066
11 Email: benjamin.t.kennedy@usdoj.gov

12 Attorneys for the United States of America

13
14 UNITED STATES DISTRICT COURT
15 NORTHERN DISTRICT OF CALIFORNIA
16 SAN JOSE DIVISION

17 UNITED STATES OF AMERICA,) No. CR 07-00544 JW
18 Plaintiff,) STIPULATION AND [PROPOSED]
19 v.) ORDER EXCLUDING TIME FROM
MIGUEL ANGEL MARTINEZ-) OCTOBER 15, 2007 TO NOVEMBER 5,
MENDOZA,) 2007 FROM THE SPEEDY TRIAL ACT
Defendant.) CALCULATION (18 U.S.C. §
3161(h)(8)(A))

20
21 The parties stipulate that the time between October 15, 2007 and November 5, 2007 is
22 excluded under the Speedy Trial Act, 18 U.S.C. § 3161, and agree that the failure to grant the
23 requested continuance would unreasonably deny defense counsel reasonable time necessary for
24 effective preparation, taking into account the exercise of due diligence. Finally, the parties agree
25 that the ends of justice served by granting the requested continuance outweigh the best interest of
26 the public, and the defendant in a speedy trial and in the prompt disposition of criminal cases.

27
28 //

1 18 U.S.C. § 3161(h)(8)(A).

2
3 DATED: October 16, 2007

4
5 SCOTT N. SCHOOLS
6 United States Attorney

7
8 /s/
9 BENJAMIN T. KENNEDY
10 Assistant United States Attorney

11
12 /s/
13 CYNTHIA LIE
14 Assistant Federal Public Defender

15
16
17
18
19
20
21
22
23
24
25
26
27
28

ORDER

Based upon the stipulation of the parties, and for good cause shown, the Court HEREBY ORDERS that the time between October 15, 2007 and November 5, 2007 is excluded under the Speedy Trial Act, 18 U.S.C. § 3161. The court finds that the failure to grant the requested continuance would unreasonably deny defense counsel reasonable time necessary for effective preparation, taking into account the exercise of due diligence. Furthermore, the Court finds that the ends of justice served by granting the requested continuance outweigh the best interest of the public and the defendant in a speedy trial and in the prompt disposition of criminal cases. The court therefore concludes that this exclusion of time should be made under 18 U.S.C. § 3161(h)(8)(A).

IT IS SO ORDERED.

DATED:

JAMES WARE
UNITED STATES DISTRICT JUDGE